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21
22 Attorneys for Plaintiff
23 UNITED STATES OF AMERICA

24 UNITED STATES DISTRICT COURT

25 FOR THE CENTRAL DISTRICT OF CALIFORNIA

26 UNITED STATES OF AMERICA,

No. 2:18-CR-00173(D)-GW-3

27 Plaintiff,

PLEA AGREEMENT FOR DEFENDANT
GABRIEL ZENDEJAS-CHAVEZ

28 v.

JOSE LANDA RODRIGUEZ, ET AL.,
[#3-GABRIEL ZENDEJAS-CHAVEZ]

Defendant.

1. Subject to the approval of the Department of Justice,
Violent Crime and Racketeering Section, this constitutes the plea
agreement between Gabriel Zendejas-Chavez ("defendant") and the
United States Attorney's Office for the Central District of
California (the "USAO") in this case. This agreement is limited to
the USAO and cannot bind any other federal, state, local, or foreign
prosecuting, enforcement, administrative, or regulatory authority.

1 DEFENDANT'S OBLIGATIONS

2 2. Defendant agrees to:

3 a. Give up the right to indictment by a grand jury and,
4 at the earliest opportunity requested by the USAO and provided by the
5 Court, appear and plead guilty to a single-count information in the
6 form attached to this agreement as Exhibit A or a substantially
7 similar form, which charges defendant with Misprision of a Felony, in
8 violation of 18 U.S.C. § 4.

9 b. Not contest facts agreed to in this agreement.

10 c. Abide by all agreements regarding sentencing contained
11 in this agreement.

12 d. Appear for all court appearances, surrender as ordered
13 for service of sentence, obey all conditions of any bond, and obey
14 any other ongoing court order in this matter.

15 e. Not commit any crime; however, offenses that would be
16 excluded for sentencing purposes under United States Sentencing
17 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
18 within the scope of this agreement.

19 f. Be truthful at all times with the United States
20 Probation and Pretrial Services Office and the Court.

21 g. Pay the applicable special assessment at or before the
22 time of sentencing unless defendant has demonstrated a lack of
23 ability to pay such assessments.

24 h. To agree to recommend that the Court impose a sentence
25 of time-served, no term of supervised release, and \$100 special
26 assessment.

27 i. Waive, surrender and give up his right to move to
28 withdraw his guilty plea to the single count information in United

1 States v. Gabriel Zendejas-Chavez, Case No. 2:18-CR-00173(D)-GW-3,
2 namely, his guilty plea to the charge of misprision of a felony.

3 THE USAO'S OBLIGATIONS

4 3. The USAO agrees to:

5 a. To agree to recommend that the Court impose a sentence
6 of time-served, no term of supervised release, and \$100 special
7 assessment.

8 b. Not contest facts agreed to in this agreement.

9 c. Abide by all agreements regarding sentencing contained
10 in this agreement.

11 d. At the time of sentencing, move to dismiss the Second
12 Superseding Indictment, the First Superseding Indictment, and the
13 original Indictment in this case as against defendant. Defendant
14 agrees, however, that at the time of sentencing the Court may
15 consider any dismissed charges in determining the applicable
16 Sentencing Guidelines range, the propriety and extent of any
17 departure from that range, and the sentence to be imposed.

18 e. At the time of sentencing, provided that defendant
19 demonstrates an acceptance of responsibility for the offense up to
20 and including the time of sentencing, recommend a two-level reduction
21 in the applicable Sentencing Guidelines offense level, pursuant to
22 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
23 additional one-level reduction if available under that section.

24 NATURE OF THE OFFENSE

25 4. Defendant understands that for defendant to be guilty of
26 the crime charged in the single-count information, that is,
27 Misprision of a Felony, in violation of 18 U.S.C. § 4, the following
28 must be true: (1) a federal felony was committed, namely, Racketeer

1 Influenced and Corrupt Organizations Conspiracy, in violation of 18
2 U.S.C. § 1962(d), as charged in Count One of the Second Superseding
3 Indictment in this case; (2) defendant knew of the commission of that
4 felony; (3) defendant knew that the offense conduct alleged in Count
5 One of the Second Superseding Indictment was a federal felony;
6 (4) defendant failed to notify the authorities as soon as possible;
7 and (5) defendant did an affirmative act to conceal the crime charged
8 in Count One of the Second Superseding Indictment in this case.

9 A felony is a crime punishable by a term of imprisonment of more
10 than one year. Mere failure to report a federal felony is not a
11 crime. The defendant must also commit some affirmative act designed
12 to conceal the fact that a federal felony has been committed. See
13 United States v. Olson, 856 F.3d 1216 (9th Cir. 2017).

14 PENALTIES

15 5. Defendant understands that the statutory maximum sentence
16 that the Court can impose for a violation of 18 U.S.C. § 4, as
17 charged in the single-count information, is: three-years'
18 imprisonment; a one-year period of supervised release; a fine of
19 \$250,000 or twice the gross gain or gross loss resulting from the
20 offense, whichever is greatest; and a mandatory special assessment of
21 \$100.

22 6. Defendant understands that supervised release is a period
23 of time following imprisonment during which defendant will be subject
24 to various restrictions and requirements. Defendant understands that
25 if defendant violates one or more of the conditions of any supervised
26 release imposed, defendant may be returned to prison for all or part
27 of the term of supervised release authorized by statute for the
28 offense that resulted in the term of supervised release, which could

result in defendant serving a total term of imprisonment greater than the statutory maximum stated above.

3 7. Defendant understands that, by pleading guilty, defendant
4 may be giving up valuable government benefits and valuable civic
5 rights, such as the right to vote, the right to possess a firearm,
6 the right to hold office, and the right to serve on a jury.

7 Defendant understands that he is pleading guilty to a felony and that
8 it is a federal crime for a convicted felon to possess a firearm or
9 ammunition. Defendant understands that the conviction in this case
10 may also subject defendant to various other collateral consequences,
11 including but not limited to revocation of probation, parole, or
12 supervised release in another case and suspension or revocation of a
13 professional license. Defendant understands that unanticipated
14 collateral consequences will not serve as grounds to withdraw
15 defendant's guilty plea.

16 8. Defendant understands that, if defendant is not a United
17 States citizen, the felony conviction in this case may subject
18 defendant to: removal, also known as deportation, which may, under
19 some circumstances, be mandatory; denial of citizenship; and denial
20 of admission to the United States in the future. The Court cannot,
21 and defendant's attorney also may not be able to, advise defendant
22 fully regarding the immigration consequences of the felony conviction
23 in this case. Defendant understands that unexpected immigration
24 consequences or any unanticipated collateral consequences will not
25 serve as grounds to withdraw defendant's guilty plea.

FACTUAL BASIS

27 9. Defendant admits that defendant is, in fact, guilty of the
28 offense to which defendant is agreeing to plead guilty. Defendant

1 and the USAO agree to the statement of facts provided below and agree
2 that this statement of facts is sufficient to support a plea of
3 guilty to the charge described in this agreement and to establish the
4 Sentencing Guidelines factors set forth in paragraph 11 below but is
5 not meant to be a complete recitation of all facts relevant to the
6 underlying criminal conduct or all facts known to either party that
7 relate to that conduct.

At all relevant times, defendant was an attorney, duly licensed and admitted to practice in the State of California. On or about April 8, 2014, during a purported "legal visit," defendant met with an inmate at the Los Angeles County Jail, in the Central District of California, knowing that the inmate was engaged in a federal felony, namely, racketeering conspiracy, in violation of Title 18, United States Code, Section 1962(d) by, among other things, agreeing to conduct a criminal enterprise through a pattern of racketeering activity as defined in 18 U.S.C. Section 1961 et seq. At no time did defendant notify a federal authority of the above-described federal felony being committed by the inmate or any other person(s). On April 8, 2014, defendant did an affirmative act to further and conceal the ongoing commission of the federal felony described above, including by using hand gestures instead of verbal communication, by speaking in coded language, and by surreptitiously writing down the names of members of the criminal enterprise of which defendant knew the inmate and others were engaged.

SENTENCING FACTORS

26 10. Defendant understands that in determining defendant's
27 sentence the Court is required to calculate the applicable Sentencing
28 Guidelines range and to consider that range, possible departures

1 under the Sentencing Guidelines, and the other sentencing factors set
2 forth in 18 U.S.C. § 3553(a). Defendant understands that the
3 Sentencing Guidelines are advisory only, that defendant cannot have
4 any expectation of receiving a sentence within the calculated
5 Sentencing Guidelines range, and that after considering the
6 Sentencing Guidelines and the other § 3553(a) factors, the Court will
7 be free to exercise its discretion to impose any sentence it finds
8 appropriate up to the maximum set by statute for the crime of
9 conviction.

10 11. Defendant and the USAO agree to the following applicable
11 Sentencing Guidelines factors:

12 Base Offense Level: 10 [U.S.S.G. § 2X4.1,
13 2E1.1(a)(1)]

14 The parties agree that no other specific offense characteristics,
15 adjustments, and departures under the Sentencing Guidelines are
16 appropriate or may be argued. The parties agree to recommend that
17 the Court impose a sentence of time-served, no term of supervised
18 release, and \$100 special assessment.

19 12. Defendant understands that there is no agreement as to
20 defendant's criminal history or criminal history category.

21 13. Defendant and the USAO reserve the right to argue for a
22 sentence outside the sentencing range established by the Sentencing
23 Guidelines based on the factors set forth in 18 U.S.C. § 3553(a)(1),
24 (a)(2), (a)(3), (a)(6), and (a)(7).

WAIVER OF CONSTITUTIONAL RIGHTS

26 14. Defendant understands that by pleading guilty, defendant
27 gives up the following rights:

a. The right to persist in a plea of not guilty.

1 b. The right to a speedy and public trial by jury.
2 c. The right to be represented by counsel -- and if
3 necessary have the Court appoint counsel -- at trial. Defendant
4 understands, however, that, defendant retains the right to be
5 represented by counsel -- and if necessary have the Court appoint
6 counsel -- at every other stage of the proceeding.

7 d. The right to be presumed innocent and to have the
8 burden of proof placed on the government to prove defendant guilty
9 beyond a reasonable doubt.

10 e. The right to confront and cross-examine witnesses
11 against defendant.

12 f. The right to testify and to present evidence in
13 opposition to the charges, including the right to compel the
14 attendance of witnesses to testify.

15 g. The right not to be compelled to testify, and, if
16 defendant chose not to testify or present evidence, to have that
17 choice not be used against defendant.

18 h. Any and all rights to pursue any affirmative defenses,
19 Fourth Amendment or Fifth Amendment claims, Speedy Trial Act claims,
20 and all other pretrial motions that have been filed (and defendant
21 agrees to withdraw such motions if filed or pending) or could be
22 filed.

23 LIMITED WAIVER OF DISCOVERY

24 15. Defendant acknowledges that he has received substantial
25 discovery from the government and that he has had sufficient time to
26 review and discuss that discovery with his attorney. In exchange for
27 the government's obligations under this agreement, defendant waives
28 and gives up any right he may have to review additional discovery

1 that the government has not produced or to claim that the government
2 has not produced all discovery.

3 WAIVER OF APPEAL OF CONVICTION

4 16. Defendant understands that, except for an appeal based on
5 a claim that defendant's guilty plea was involuntary, by pleading
6 guilty defendant is waiving and giving up any right to appeal
7 defendant's conviction on the offense to which defendant is pleading
8 guilty. Defendant understands that this waiver includes, but is not
9 limited to, arguments that the statute to which defendant is pleading
10 guilty is unconstitutional, and any and all claims that the statement
11 of facts provided herein is insufficient to support defendant's plea
12 of guilty.

13 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

14 17. Defendant agrees that, provided the Court imposes a term
15 of imprisonment within the statutory maximum, defendant gives up the
16 right to appeal all of the following: (a) the procedures and
17 calculations used to determine and impose any portion of the
18 sentence; (b) the term of imprisonment imposed by the Court; (c) the
19 fine imposed by the Court, provided it is within the statutory
20 maximum; (d) to the extent permitted by law, the constitutionality or
21 legality of defendant's sentence, provided it is within the statutory
22 maximum; (f) the term of probation or supervised release imposed by
23 the Court, provided it is within the statutory maximum; and (g) any
24 of the following conditions of probation or supervised release
25 imposed by the Court: the conditions set forth in Second Amended
General Order 20-04 of this Court; the drug testing conditions
mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the alcohol and
drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

1 18. The USAO agrees that, provided all portions of the sentence
2 are below the statutory maximum specified above, the USAO gives up
3 its right to appeal any portion of the sentence.

4 19. Defendant also gives up any right to bring a post-
5 conviction collateral attack on the conviction or sentence, except a
6 post-conviction collateral attack based on a claim of ineffective
7 assistance of counsel. Defendant understands that this waiver
8 includes, but is not limited to, arguments that the statutes to which
9 defendant is pleading guilty are unconstitutional, and any and all
10 claims that the statement of facts provided herein is insufficient to
11 support defendant's plea of guilty.

12 20. Defendant agrees to waive filing and to not file an action
13 or claim for damages against USAO or its employees arising from the
14 USAO's prosecution of defendant in Case No. 2:18-CR-00173-GW.

15 RESULT OF WITHDRAWAL OF GUILTY PLEA

16 21. Defendant agrees that if, after entering a guilty plea
17 pursuant to this agreement, defendant seeks to withdraw and succeeds
18 in withdrawing defendant's guilty plea on any basis other than a
19 claim and finding that entry into this plea agreement was
20 involuntary, then (a) the USAO will be relieved of all of its
21 obligations under this agreement; and (b) should the USAO choose to
22 pursue any charge that was either dismissed or not filed as a result
23 of this agreement, then (i) any applicable statute of limitations
24 will be tolled between the date of defendant's signing of this
25 agreement and the filing commencing any such action; and
26 (ii) defendant waives and gives up all defenses based on the statute
27 of limitations, any claim of pre-indictment delay, any speedy trial
28

1 claim with respect to any such action, or any and all motions,
2 whether filed, pending, or to be filed.

3 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

4 22. Defendant agrees that if the count of conviction is
5 vacated, reversed, or set aside, both the USAO and defendant will be
6 released from all their obligations under this agreement.

7 EFFECTIVE DATE OF AGREEMENT

8 23. This agreement is effective upon signature and execution
9 of all required certifications by defendant, defendant's counsel, and
10 an Assistant United States Attorney.

11 BREACH OF AGREEMENT

12 24. Defendant agrees that if defendant, at any time after the
13 signature of this agreement and execution of all required
14 certifications by defendant, defendant's counsel, and an Assistant
15 United States Attorney, knowingly violates or fails to perform any of
16 defendant's obligations under this agreement ("a breach"), the USAO
17 may declare this agreement breached. All of defendant's obligations
18 are material, a single breach of this agreement is sufficient for the
19 USAO to declare a breach, and defendant shall not be deemed to have
20 cured a breach without the express agreement of the USAO in writing.
21 If the USAO declares this agreement breached, and the Court finds
22 such a breach to have occurred, then: (a) if defendant has previously
23 entered a guilty plea pursuant to this agreement, defendant will not
24 be able to withdraw the guilty plea, and (b) the USAO will be
25 relieved of all its obligations under this agreement. Defendant
26 further agrees and understands that his filing of a Notice of Appeal
27 constitutes a breach of this plea agreement.

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1 25. Following the Court's finding of a knowing breach of this
2 agreement by defendant, should the USAO choose to pursue any charge
3 that was either dismissed or not filed as a result of this agreement,
4 then:

5 a. Defendant agrees that any applicable statute of
6 limitations is tolled between the date of defendant's signing of this
7 agreement and the filing commencing any such action.

8 b. Defendant waives and gives up all defenses based on
9 the statute of limitations, any claim of pre-indictment delay, or any
10 speedy trial claim with respect to any such action, or any and all
11 motions, whether filed, pending, or to be filed.

12 c. Defendant agrees that: (i) any statements made by
13 defendant, under oath, at the guilty plea hearing (if such a hearing
14 occurred prior to the breach); (ii) the agreed to factual basis
15 statement in this agreement; and (iii) any evidence derived from such
16 statements, shall be admissible against defendant in any such action
17 against defendant, and defendant waives and gives up any claim under
18 the United States Constitution, any statute, Rule 410 of the Federal
19 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
20 Procedure, or any other federal rule, that the statements or any
21 evidence derived from the statements should be suppressed or are
22 inadmissible.

COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

OFFICE NOT PARTIES

25 26. Defendant understands that the Court and the United States
26 Probation and Pretrial Services Office are not parties to this
27 agreement and need not accept any of the USAO's sentencing

1 recommendations or the parties' agreements to facts or sentencing
2 factors.

3 27. Defendant understands that both defendant and the USAO are
4 free to: (a) supplement the facts by supplying relevant information
5 to the United States Probation and Pretrial Services Office and the
6 Court, (b) correct any and all factual misstatements relating to the
7 Court's Sentencing Guidelines calculations and determination of
8 sentence, and (c) argue on appeal and collateral review that the
9 Court's Sentencing Guidelines calculations and the sentence it
10 chooses to impose are not error, although each party agrees to
11 maintain its view that the calculations in paragraph 11 are
12 consistent with the facts of this case. While this paragraph permits
13 both the USAO and defendant to submit full and complete factual
14 information to the United States Probation and Pretrial Services
15 Office and the Court, even if that factual information may be viewed
16 as inconsistent with the facts agreed to in this agreement, this
17 paragraph does not affect defendant's and the USAO's obligations not
18 to contest the facts agreed to in this agreement.

19 28. Defendant understands that even if the Court ignores any
20 sentencing recommendation, finds facts or reaches conclusions
21 different from those agreed to, and/or imposes any sentence up to the
22 maximum established by statute, defendant cannot, for that reason,
23 withdraw defendant's guilty plea, and defendant will remain bound to
24 fulfill all defendant's obligations under this agreement. Defendant
25 understands that no one -- not the prosecutor, defendant's attorney,
26 or the Court -- can make a binding prediction or promise regarding
27 the sentence defendant will receive, except that it will be within
28 the statutory maximum.

1 NO ADDITIONAL AGREEMENTS

2 29. Defendant understands that, except as set forth herein,
3 there are no promises, understandings, or agreements between the USAO
4 and defendant or defendant's attorney, and that no additional
5 promise, understanding, or agreement may be entered into unless in a
6 writing signed by all parties or on the record in court.

7 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

8 30. The parties agree that this agreement will be considered
9 part of the record of defendant's guilty plea hearing as if the
10 entire agreement had been read into the record of the proceeding.

11 AGREED AND ACCEPTED

12 UNITED STATES ATTORNEY'S OFFICE
13 FOR THE CENTRAL DISTRICT OF
14 CALIFORNIA

15 E. MARTIN ESTRADA
16 United States Attorney

17 J. MARK CHILDS
18 GREGG E. MARMARO
19 DANIEL H. WEINER
20 Assistant United States Attorneys

9/13/2024

Date

21 GABRIEL ZENDEJAS-CHAVEZ
22 Defendant

Date

9/12/2024

23 MEGHAN BLANCO
24 Attorney for Defendant
25 GABRIEL ZENDEJAS-CHAVEZ

Date

9/12/24

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, that I lose the right to pursue relief under all pending motions, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

GABRIEL ZENDEJAS-CHAVEZ
Defendant

Date _____

9/12/2024

CERTIFICATION OF DEFENDANT'S ATTORNEY

I am Gabriel Zendejas-Chavez's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, that my client will lose his right to pursue relief under all pending motions, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is informed and voluntary; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.

9/12/24

18 MEGHAN BLANCO
19 Attorney for Defendant
GABRIEL ZENDEJAS-CHAVEZ

Date

1 EXHIBIT A (Information)
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8 UNITED STATES DISTRICT COURT

9 FOR THE CENTRAL DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

No. 2:18-CR-00173(D)-GW

11 Plaintiff,

S E C O N D
S U P E R S E C T I O N
I N F O R M A T I O N

12 v.

13 GABRIEL ZENDEJAS-CHAVEZ,

[18 U.S.C. § 4: Misprision of a
Felony]

14 Defendant.

15

16 The United States Attorney charges:

17 [18 U.S.C. § 4]

18 Beginning on a date unknown, and continuing to on or about March
19 29, 2018, in Los Angeles and San Bernardino Counties, within the
20 Central District of California, and elsewhere, defendant GABRIEL
21 ZENDEJAS-CHAVEZ, having knowledge of the actual commission of a
22 felony cognizable by a court of the United States, namely, Racketeer
23 Influenced and Corrupt Organizations Conspiracy, in violation of
24 Title 18, United States Code, Section 1962(d), which defendant
25 ZENDEJAS-CHAVEZ knew at the time was a felony under the laws of the
26 United States, knowingly concealed the same and did not

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1 as soon as possible notify the same to any judge or other person in
2 civil or military authority under the United States, in violation of
3 18 U.S.C. Section 4.

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5 E. MARTIN ESTRADA
6 United States Attorney

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MACK E. JENKINS
8 Chief, Criminal Division

9

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J. MARK CHILDS
11 Assistant United States Attorney
Chief, International Narcotics, Money
Laundering, and Racketeering Section

12

GREGG E. MARMARO
13 DANIEL H. WEINER
14 Assistant United States Attorneys
International Narcotics, Money
Laundering, and Racketeering Section

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